



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET 2003-018**

July 31, 2003

Russell E. Peachey
56 Ashuelot Street
Winchester, NH 03470

RE: DES Wetlands File #2003-00802 56 Ashuelot St, Winchester

Dear Mr. Peachy:

On May 21, 2003, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more particularly referenced on Town of Winchester Tax Map 25 as Lot 14 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700.

During the inspection the following deficiencies were documented:

- Approximately 40,000 square feet of jurisdictional scrub shrub wetland was cleared of vegetation, dredged and filled on the Property without a permit from DES.
- 2. Approximately 160 linear feet of a jurisdictional perennial stream, which enters along the northwest corner of the property, was dredged, filled and redirected to the west and south sides of the impacted scrub shrub wetland on the Property without a permit from DES.

In response, you are requested to take the following actions:

1. Within 60 days of receipt of this Letter of Deficiency, submit a restoration plan to DES for review and approval. Have the restoration plan prepared by a certified wetland scientist, and include provisions for restoring the scrub shrub wetland and stream on the Property. Submit the following with the restoration plan:
 - a. A plan with dimensions, drawn to scale, showing:
 1. Existing conditions, with wetland boundaries; and
 2. Proposed conditions after reestablishing the jurisdictional areas;
 - b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;

- c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);
 - d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.
 - e. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum monitoring progress reports for two successive growing seasons following completion of the restoration project.
- 2. Retain a qualified wetland scientist to supervise the implementation of the restoration plan and to submit the restoration progress reports.
 - 3. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

William A. Thomas
Wetlands Bureau
Department of Environmental Services
6 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact William A. Thomas by phone at (603) 271-4066 or by e-mail at wthomas@des.state.nh.us or Mary Ann Tilton by phone at (603) 271-4061 or by e-mail at milton@des.state.nh.us. Additionally, enclosed is a list of contacts that can provide you with information on obtaining a certified wetland scientist.

Sincerely,

COPY

Collis G. Adams
Bureau Administrator
Wetlands Bureau

CERTIFIED MAIL 7002 3150 00015411 1982

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen Rule, Administrator, DES Legal Unit ✓
Winchester Conservation Commission
Winchester Board of Selectmen
David Killoy, USACOE
File # 03-0802